

Wallingford Inland Wetland & Watercourses Commission

Wednesday, March 1, 2017. 7:00 p.m.

Robert F. Parisi Council Chambers, Second Floor, Town Hall

45 South Main Street, Wallingford, CT

MINUTES

PRESENT: Chairman James Vitali; Vice-Chairman David Parent; Secretary Nick Kern; Commissioners Deborah Phillips; Mike Caruso. Erin O'Hare, Environmental Planner.

NOT PRESENT: Commissioner Jim Heilman, Alternate.

Chairman Vitali called the Meeting to order at 7:02 p.m. and the Pledge of Allegiance was recited.

CONSIDERATION OF MINUTES

1. Regular Meeting, Feb. 1, 2017, 7:00 p.m.

MR.PARENT: MOTION TO APPROVE THE FEBRUARY 1, 2017 MEETING MINUTES AS PRESENTED

MS. PHILLIPS: SECOND

VOTE: KERN-YES; PARENT-YES; PHILLIPS-YES; CARUSO-YES; VITALI-YES

OLD BUSINESS

1. **#A14-7.2/195 Chimney Hill Road** – Sunwood Development – (request for bond reduction)

Ms. O'Hare said she understood the bond reduction wouldn't be entertained until the supplemental trees are planted in the spring. She said she will be going out with Robert Wiedenmann, Jr. to pick the planting location. Ms. O'Hare said she went out with Henry McCully, Town Tree Warden and Sunwood Development to look at the 6 ft. wide oak tree on Lot #16 that fronts on New Cheshire Road. She said there were two splits down the trunk and the top branches were separating. She said the tree has to be removed which is on the edge of the wetlands in the upland review area. Chairman Vitali clarified that it was a maintenance issue, so no permit is required.

2. #A16-12.2/108 Hanover Street, Wallingford – 213 Evansville Avenue, Meriden – City of Meriden Aviation Commission – (tree removal in “protected airspace”)

Appearing in front of the Commission was Randy Christensen, Biologist, Stantec Consulting Service, the Consultant of Record for Meriden-Markham Airport and the City of Meriden. He said as the Consultant for the Aviation Commission, he has started a preliminary design of a vegetation management project for the airport.

Mr. Christensen said trees have to be removed which involves Federal Regulations. He referred to a handout distributed to the Commission regarding the project. He said the trees, which are navigable objects and vegetation, which must be removed, are in the upland review area and the wetland boundary. He said there will be 12.93 acres of vegetation management and of the 12.93 acres; 11.26 acres are in Wallingford with the rest being in Meriden. Mr. Christensen said in the Wallingford section, 0.85 acres occurs in wetlands and 1.73 acres occurs in the upland review area.

Mr. Christensen went over the site plan. He showed the work areas, the wetland boundaries and the upland review areas. He also went over the vegetative management plan. He pointed out the primary surface, noting that anything in this area cannot be taller than the adjacent section of runway. He said the height of the trees to be removed were surveyed and determined to be obstructing this particular airspace which is a 50 ft. x 50 ft. area. He also noted the area around the runway which will be flail mowed to reduce vegetation down to ground level. He said this area is along the edge of the turf which will be restored as a turf mowed area. Mr. Christensen said away from the runway is a steep slope in which black cherry, locusts and maple and poplar trees have grown taller than the adjacent runway. He said cut and chip will be employed using hand labor and very small low ground pressure machines. He said the trees will be cut to the top of the slope and hauled away to be chipped so as to minimize soil disturbance.

Commissioner Kern asked about the wetland boundary in this area. Mr. Christensen said on the map, the wetlands are delineated by the blue line that borders the pond. He said most of this work will be in the URA and some outside of it, with a small amount of work in the wetlands. Mr. Christensen said on Hanover Street, the entrance to the nursery, is a large upland area which is non-wetland and non-upland review area in which the mechanized felling of trees will be used and then the trees will be chipped and put into box trucks.

Chairman Vitali asked about the steep slope where saplings will be cut level to the slope next to them. Mr. Christensen noted they will be cut flush down to ground level. Chairman Vitali asked about the plan to prevent the cut trees from re-sprouting. Mr. Christensen said he proposed with this application is to immediately paint each stump with a cut and dab insecticide. He said this will save him from having to go in every three years.

Commissioner Kern asked why Mr. Christensen was in front of the IWWC tonight when two years ago the entire side by Hanover Street was bulldozed, cleared of trees, and a mess was made and is now proposing Phase 2. Mr. Christensen said the Airport Commission had been told by the FAA of penetrations which would shut down the precision approach path indicator light system against the fence. He said the FAA identified a certain amount of penetrations and that was taken down along the fence. Commissioner Kern said he hoped they would be more professional in their work this time. He noted that in the mowing part, the Town was mowing on a seasonal basis. Mr. Christensen said airports and DPW's have limited budgets to do the project as proposed here. He said it is proposed to chip all vegetation using a contractor and have specifications which will result in a much cleaner project. Commissioner Kern asked if a pile of trees mown down along the tree line would be cleaned up. Mr. Christensen said this could be included in the specifications. Commissioner Kern asked if the west side of the runway, the addressable area, is mowable. Mr. Christensen said this area is not mowable, but noted the mowable area is what will be done with the flail mower which is level ground. He said it isn't worth spending money on a slope that will never get mowed and can't be maintained. He said the area that can be mowed will have money spent to restore it to the original turf condition.

Commissioner Kern asked about erosion. Mr. Christensen said he doesn't foresee erosion, noting he tries to get the work done in winter conditions. He showed photos of the clearing machinery which would be used. He said by using frozen ground conditions, the work can be done without erosion to slope. He said he and Ms. O'Hare talked about putting pre-con erosion control on the bottom of the slope which he said he had issues with. He said if this were done, he would be dropping trees on top of it and will limit where he can go straight in and out. He said there will be no stumping or grubbing of the root system. Commissioner Kern said the slopes have been disturbed through erosion and is sandy soil. He said the project is for the safety of the airport. Mr. Christensen said some of these penetrations are 54 feet into the protected airspace. He said the work will be done through FAA grant money.

Ms. O'Hare referenced the Environmental Planner's Report dated Feb. 23, 2017. She said she suggested approval with six Conditions of Approval. She asked Mr. Christensen to talk about where the slope meets the water. She said trees are growing in the water and asked about the width of the swath of trees in the water. She asked how trees would be removed in the water. Mr. Christensen pointed out this wetland and pond goes from extremely dry to almost empty up to the level where the trees are in the water. He said the trees in the water will be cut, but the herbicide restrictions will not let us paint those particular trees. He said the trees will be cut at the water surface level, drop them towards the upland and winch them up the slope.

Ms. O'Hare went over the Conditions of Approval, noting the first Condition talks about hay bales. She said Mr. Christensen presented an alternative to the hay bales, where hay bales would be installed on an as-needed basis. She said she could go out to the site and check. As far as Item #2 in the Conditions of Approval, Ms. O'Hare said she would like to be contacted when the work begins. Wilya Petro, Director of the City of Meriden Aviation Commission, said

that conditions can be put in the bid document requiring the Contractor to notify Ms. O'Hare that the work is started and to ensure Ms. O'Hare is invited to the pre-construction meeting.

Chairman Vitali asked about Item #3 Condition of Approval which talks about compliance with the DEEP Natural Diversity Data Base recommendations relative to protection of the Eastern box turtle and New England Blazing Star before and during conducting vegetation removal and management activities at this site. She said this is very detailed what DEEP wants the airport to do. She said the Applicant discussed this with DEEP but didn't know if DEEP had any remaining issues. Mr. Christensen said DEEP offered him a set of conditions which would be pertinent to winter work, disturbing less than 25% of the ground. He requested the IWWC allow him to do the winter conditions imposed by the NDDDB as opposed to growing season conditions. He said splitting the project up would be difficult.

Chairman Vitali noted that we are talking about the DEEP box turtles and Mr. Christensen is talking about winter conditions. Mr. Christensen said the DEEP issued some conditions in their box turtle response that gave us the alternative of working in winter conditions. He explained the DEEP stated that if he works in winter conditions, we want this to happen. Chairman Vitali said this should be thrown out because it is not going to happen, there will be no work in winter unless it is a year from now. Mr. Christensen said the grant won't be received until June and frozen ground is needed, so the project won't be started until the December-January timeframe, 2017-2018.

Commissioner Kern asked the difference between winter and summer. Mr. Christensen said the winter ground conditions DEEP imposed was that he minimize ground disturbance to 25% of the area being cut; the growing season conditions were that a pre-ground sweep be conducted to ensure no box turtles are crawling around before work is done every day. Commissioner Kern asked if there were a visual check of the box turtles in the pond. He noted that five years ago, he mowed that entire property and didn't see box turtles and that there is an overreaction taking place. He said the turtles only tend to come up in the open soil when they want to lay their eggs in June or July. Ms. O'Hare said the box turtle is terrestrial and goes down to the water, but spend their life on dry land. She noted that when the turtles dig down to hibernate in the winter, they only dig down three to four feet and the bulldozers would crush them.

Mr. Christensen said he isn't opposed to working in the summer but was trying to keep the project all in one season. He said he was hoping to follow the winter conditions. Mr. Christensen said if the Conditions of Approval could read that we follow the conditions of the DEEP regarding the box turtle, if the work is done in the summer, the summer conditions will be followed and in the winter, the winter conditions will be followed. He said he will adhere to the conditions no matter what.

Ms. O'Hare noted that about a year ago, Mr. Casertano, who was making raised container beds on land leased from the airport, ran into the same thing with the DEEP and the box turtles. She

noted when Mr. Casertano put in the silt fence, he was supposed to look for the box turtles, but noted once the silt fence was erected, no one has to check every day because the fence excludes the turtles from the work area. Ms. O'Hare said in this case, a confinement area won't be erected so it is different. She pointed out the turtles go to the wetlands and the upland review area. Chairman Vitali asked if the turtles have a positive or negative impact to the wetlands. Ms. O'Hare said the turtles have a positive impact to the wetlands and noted the project will have negative impact to the turtles because some will get crushed.

Chairman Vitali asked if the Applicant, regarding the Conditions of Approval, was agreeing to #1 which is being taken off the table because it is after-the-fact; agreeing to #2; #3 which the Applicant agreed to follow the DEEP guidelines; #4, Mr. Christensen said he will follow the Conditions of the Water Division to the letter; #5 was agree to by Mr. Christensen and regarding #6, Mr. Christensen said he will submit a letter to the file clarifying that one sentence of the Delineation Report.

Ms. O'Hare noted that Condition #2 will be modified. Chairman Vitali said Ms. O'Hare will be contacted prior to work being started. Mr. Christensen said he plans on starting in June with Contractor selection and at the earliest it would be an August/September start.

Commissioner Kern asked if he would be back in front of the IWWC in a few years. Mr. Christensen said only if funding becomes available again.

Chairman Vitali entertained a motion on Significant Activity.

MR. PARENT: **MOTION THAT APPLICATION #A16-12.2/108 HANOVER**
STREET, WALLINGFORD – 213 EVANSVILLE AVENUE
MERIDEN – CITY OF MERIDEN AVIATION COMMISSION
(TREE REMOVAL IN "PROTECTED AIRSPACE" BE DEEMED
NOT A SIGNIFICANT ACTIVITY

MS. PHILLIPS: **SECOND**

VOTE: **KERN-YES; PARENT-YES; PHILLIPS-YES; CARUSO-YES;**
VITALI-YES

Chairman Vitali entertained a motion on the Application

MR. PARENT: **MOTION THAT APPLICATION #A16-12.2/108 HANOVER**

STREET, WALLINGFORD – 213 EVANSVILLE AVENUE,
MERIDEN – CITY OF MERIDEN AVIATION COMMISSION –
(TREE REMOVAL IN “PROTECTED AIRSPACE”) BE APPROVED
WITH THE FOLLOWING CONDITIONS OF APPROVAL:

1. **CONDITION #2 MODIFIED TO READ “ENVIRONMENTAL
PLANNER IS TO BE CONTACTED PRIOR TO THE INITIATION
OF VEGETATION REMOVAL ACTIVITIES ANYWHERE ON THE
SLOPES”**
2. **AND THEN IN COMPLIANCE, SUBJECT TO CONDITIONS 3,
4, 5 AND 6 OF THE ENVIRONMENTAL PLANNER’S REPORT
FOR THIS PROJECT DATED FEBRUARY 23, 2017**

MS. PHILLIPS: SECOND

VOTE: KERN-YES; PHILLIPS-YES; PARENT-YES; CARUSO-YES;
VITALI-YES

NEW BUSINESS- NONE

RECEIPT OF NEW APPLICATIONS

Chairman Vitali wanted the Commissioners to know that on the first application, the overflow is being piped to the wetlands. Ms. O’Hare said the overflow is being piped to the pond. Chairman Vitali said this was never a pond but was muck. He said when there is an overflow because if severe weather conditions, it is piped. Ms. O’Hare noted that today it is a drainage ditch and the Applicant wants to convert that to a pipe. She said the overflow will be piped into the Town’s storm sewer. Chairman Vitali noted that this is not a drainage swale that is used every year.

- 1. #A17-2.1/605 North Elm Street** – Pasquale DiNatale – (residential subdivision – 5 lots)
- 2. #A17-2.2/902 South Colony Road** – 902 South Colony Road Realty, LLC – (commercial development)

Ms. O’Hare said the Applicant is adding another building on the property.

- 3. #A17-2.3/1460 Tuttle Avenue** – David and Christine White – (driveway development)

Ms. O'Hare said the application came in Tuesday.

- 4. #A17-2.4.76-90 South Turnpike Road** – Adams Landing Property Development, LLC – (re-subdivision and parking area and drainage improvements)

Ms. O'Hare said this is across from the Oakdale Theater and noted the IWWC approved this site about seven years ago. She said the Applicant wanted to come in to revise the permit and noted the Applicant is re-subdividing and making two lots and adding a new parking area, drainage improvements and compensatory flood storage so this is a new permit.

BUDGET FY 17-18

Chairman Vitali said the budget is staying the same. Ms. O'Hare said she met with Mayor Dickinson today and it went well. Chairman Vitali said he and Ms. O'Hare discussed trying to get the peer review money to go into a fund if not used and let it accumulate. He said this isn't allowed in a Municipal budget program. He recommended leaving the money where it is.

REPORTS & COMMUNICATIONS

1. "Restoring Migratory Fish on the Quinnipiac River and other Rivers", Environmental Lecture Series, presenter Steve Gephard, DEEP Fisheries Biologist, Community Room, Wallingford Public Library, 200 North Main Street, Tues, March 7, 2017, 6:30 p.m.

Ms. O'Hare said she put this item in because it might be of interest to the Commission.

VIOLATIONS

1. **252 Main Street, Yalesville** – Brother's Pool, L&J Partnership, LLC – violations

Chairman Vitali said everything stays the same

2. Cease & Desist – **1460 Tuttle Avenue** – David & Christine White – (clear cutting, filling)

Chairman Vitali said the Cease & Desist is still in effect but the application is still in place. Ms. O'Hare said the way this was worded was that the Cease & Desist stays in place until the driveway application comes in. She said at the next meeting, the Cease & Desist can be reaffirmed or dropped.

3. Cease & Desist – **8 & 10 Atwater Place** - Howard, Sr., and Gail Lohmann

Ms. O'Hare noted the Lohmann's Attorney submitted a letter today (Wednesday), asking that this item be postponed another month. She said the Surveyor went out and submitted one copy of the finished survey because there were spots missing. She pointed out the Lohmann's

haven't gone the next step in figuring out how deep the fill is and where the fill line is and what they want to do with the property.

ADJOURNMENT

Commissioner Parent made a motion to adjourn the Meeting at 7:45 p.m. Commissioner Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary